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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,784	12/05/2003	Scott Vanover		3384

7590 11/17/2004
Arthur W. Fisher, III
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EXAMINER

WUJCIAK, ALFRED J

ART UNIT PAPER NUMBER

3632

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,784

Applicant(s)

VANOVER, SCOTT

Examiner

Alfred Joseph Wujciak III

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the first Office Action for the serial number 10/729,784, MAST SUPPORT, filed on 12/5/03.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

The disclosure is objected to because of the following informalities: On page 2, line 2, "Field f the Inventi n" is objected and should be ---Field of the Invention--- for clarification.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the outer surface" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 3, line 1, "said connect bracket" should be changed to ---said connector bracket--- for clarification.

Claim 12 recites the limitation "the upper end portion" in lines 2-3 and "the opposite end portion" in lines 9-10. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 recites the limitation "the opposite end portion" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-8 and 10-23, line 1, "The mast stand" is indefinite because claims 1 and 9, line 1 recited "A mast support", "The mast stand" should be changed to ---The mast support--- for clarification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-3, 9-11, 17-18 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Application Publication # 2003/0234327 to Nakatni.

Nakatni teaches a mast support (figure 2) comprising a mast support (14) having a plurality of connector brackets (31) extending outwardly from the outer surface and a plurality of support legs (17), each pivotally coupled to the upper portion (21) of the corresponding connector bracket and slidably coupled to the mid to lower portion (22) of the corresponding connector bracket. The mast support comprises a plurality of flat outer surfaces (located on top surface and bottom surface of element 21 and 22) corresponding to the plurality of connector bracket having an elongated mast receiving channel (32). The connector bracket comprises a pair of substantially parallel spaced apart bracket members (35) extending outwardly from a correspondingly substantially flat outer surface to cooperatively form a leg receiving channel (between two elements 35 and underneath of element 31 together create a channel) therebetween to selectively receive a portion (73) of a corresponding leg member therein. Each bracket member comprises a flat plate including a coplanar coupling protrusion on the upper end portion thereof. The mast support comprises a sleeve (23) having an elongated mast receiving channel formed therethrough to receive and support a portion of the multi-section mast therein. The mast support comprises an end cap (45) mounted to the end portion of the mast support to support and retain the lower portion of the lower most mast section (43).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatani in view of US Patent # 6,322,027 to Hsu.

Nakatani teaches the leg member but fails to teach the leg member comprising a plurality of leg member sections. Hsu teaches the leg member (21) comprising plurality of leg member sections (23-24). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Nakatani's leg member with plurality of leg member sections as taught by Hsu to provide additional height adjustment support to increase the height of mast support.

Allowable Subject Matter

Claims 4-8, 12-16 and 19-21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art fails to teach a guide or slot formed through the substantially flat plate to slidably receive a bracket coupling member therethrough connected to one end portion of a leg/bracket interconnecting member.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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US Patent # 5,267,712 to Shen

US Patent # 6,179,266 to Hutten

US Patent # 5,509,629 to Sassmannshausen et al.

US Patent # 2,579,348 to Taylor

US Patent # 6,572,061 to Overbeck

US Patent # 6,585,199 to Yu

US Patent # 4,438,896 to Hall

US Patent # 4,317,552 to Weidler

US Patent # 5,060,894 to Hillinger

UK Patent Application 2,058,557 to Forrest

Shen, Hutten, Sassmannshausen et al., Taylor, Overbeck, Yu, Hall, Weidler, Hillinger and Forrest teach the mast support comprising the connector bracket for supporting legs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III

Examiner

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ASW

11/12/04

